



**Zoning Board of Appeals Minutes
Wednesday, January 19, 2022
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
425 East State Street
Rockford, IL 61104
779-348-7423**

Present:

ZBA Members:

Jennifer Spencer
Craig Sockwell
Jennifer Smith
Dan Roszkowski
Kim Johnsen
Maurice Redd
Tom Fabiano

Absent:

Staff:

Megan McNeill - Assistant City Attorney
Darius Morrow - Land Use Planner
Scott Capovilla - Planning and Zoning Manager
Mike Rotolo - Fire Prevention Coordinator
Kelly Nokes – Engineering Operations Manager

Others:

Camille Connell-Court Reporter (Planet Depos)
Linda McNeely - Alderman
Aprel Prunty - Alderman
Mark Bonne - Alderman
Tuffy Quinonez- Alderman
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.

- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, January 24, 2022, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, February 7, 2022. If the item is laid over at the ZBA meeting, the next meeting is **Tuesday, February 15, 2022**. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:40 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the December 21, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0 with Maurice Redd and Thomas Fabiano abstaining.

ZBA 003-21

Applicant
Ward 1

111 South Perryville Road

Lamar Advertising

Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**) **Laid over from July, August, September October, November and December**

Scott Capovilla explained that negotiations with Lamar and the City Administration as it related to finding alternative locations to Perryville Road have continued. Lamar has now requested a 90-day extension. Mr. Capovilla said this application was originally presented a year ago so he was placing this request before the board.

Tom Fabiano stated the board has voted on more than three layovers which is usually the limit and we are way past that time limit.

Kim Johnsen asked if regarding this request, the City is still saying that 15 billboards still need to be removed as a part of the original agreement. Mr. Capovilla answered yes. Ms. Johnsen asked for clarification that the City wants them to remove the 15 billboards but Lamar does not want to remove. Mr. Capovilla said there was a disagreement over the interpretation of the memo.

Jennifer Smith stated that staff recommended approval including the removal. Mr. Capovilla stated staff did approve based on the 2008 agreement but this was not a formal agreement that was approved by City Council.

Board discussion continued on the request for the layover and the status of this application.

A **MOTION** was made by Tom Fabiano to **DENY** the request for a 90-day extension. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

A **MOTION** was then made by Kim Johnsen to **DISMISS** the application for a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

ZBA 049-21

Applicant
Ward 13

622 Tay Street

Nathan Gottschalk for Northwest Recovery

Special Use Permit for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District, **Laid over from October, November, and December**

Attorney Thomas Glasgow is representing the Applicant Nathan Gottschalk of Northwest Recovery who is also present. Additionally, Ryan Miller and Jason Senne were present for Northwest Recovery. Attorney Glasgow handed out a packet showing the existing state of the property and building, proposed improvements that the Applicant is willing to make to the subject property and responses to Staff's objections and concerns regarding the proposed use. Attorney Glasgow stated the property is zoned appropriately as I-2 for outdoor storage of towed passenger vehicles up to full-size work vans and trucks. The interior of building is limited, there will be no parking in front of the building, and the outdoor storage will be at the rear of the building. Attorney Glasgow talked about Staff's objections to the proposed use and how the Applicant is proposing to resolve Staff's objections. Attorney Glasgow explained typically the vehicles are stored indoors, vehicles are only stored for 30 days with cars returned to the owner and some cars are auctioned. He stated they take pictures of the cars to document their condition, the tow trucks have cameras on them, and the content of the cars are documented and tagged which is how business is done at their three (3) other sites per ICC rules. The company has been through very little litigation.

Attorney Glasgow explained that the neighborhood is primarily I-2 businesses, vacant residential, one house that the owner appears to be working on, and other blighted property. Attorney Glasgow stated ICC requires board on board fencing and they are proposing board on board fencing 8 feet in height around the property, 12 security cameras (currently), 24-hour monitoring, and they will re-surface the parking lot and add shrubbery around the property lines.

Attorney Glasgow stated Northwest Recovery is not a predatory towing operation. He is unaware of any complaints or issues with the City. They have a City license, are unaware of any service calls to the police department regarding predatory towing and have no issues with the ICC or other municipalities. They do relocation and recovery with nice trucks, they run a clean shop, and the denial of the request does not stop them from towing the vehicles, as they would just go to another municipality.

Thomas Fabiano asked why the inside of the building does not give them enough space to store the cars and how many cars can they store inside. Attorney Glasgow stated the building does not have enough space. The vehicles are not really stored as the customers come get their cars but it depends on the day and the ICC is very particular about towing cars to the other locations.

Jason Senne states the building can hold about 50 cars. Mr. Fabiano asked how many cars would be outside. Mr. Senne states the outside rear can hold about 70 cars. Mr. Fabiano stated so you will have 130 cars but seems maybe 50 cars may be enough.

Nathan Gottschalk states the cars outside are overflow once the building is full but the turnover is usually pretty quick. There are cars with flat tires, no license plates, junk, broke down vehicles that can be stored for the maximum of 30 days. Mr. Fabiano stated he was just trying figure how many vehicles on average

will be stored here as they have been in business for 25 years and they should have an idea. Mr. Gottschalk states it depends on how many clients they have. Right now, they have 460 because there are not many re-locaters in Rockford, it depends on the season, and the accounts they have. Mr. Fabiano stated he was just trying to see if they know how many cars there will be. Attorney Glasgow stated around 60 vehicles. Mr. Gottschalk stated the average would be 60 cars on site.

Maurice Redd asked whom they tow cars for. Mr. Senne state numerous apartment complexes, the Rockford Housing Authority, and some shopping centers that contract accounts. Attorney Glasgow stated they are not out riding around but wait on the owners to call them out.

Mr. Redd asked if they read the staff report about the potentially predatory practices and what is your response to that issue. Attorney Glasgow stated they are not predatory for one; there is no evidence that they are. If you look at the ICC and other municipalities, there are no issues. They have been in business for a year at this site and there no issues, no data, but they know there have been issues in the past with other companies. Attorney Glasgow stated he spoke with Staff about that but how long ago was that. Mr. Capovilla stated 20 years ago.

Mr. Senne stated they have contracts and property managers or regional managers call them to come to the complexes to tow cars. Attorney Glasgow explained predatory towing is guys out just hooking up to cars and holding them hostage until they get what they want.

Mr. Fabiano asked how their contacts work, how many cars do they tow and what is the fee charged for each car. Attorney Glasgow explained ICC rules limit us to \$218 tow fee per car. Mr. Fabiano stated if the clients do not pay you to tow cars, they just give the right to the cars. Attorney Glasgow said yes.

Craig Sockwell asked what happens to the cars after 30 days. Attorney Glasgow stated they send notification to the Secretary of State, who gives them the owner information. A certified letter is sent to the owner with request to retrieve. If they do not respond within 30 days, depending the on the age of the car, mileage, etc., the car can go to auction or be junked after a junk title is issued.

Mr. Sockwell inquired as to where they were previously located. Attorney Glasgow stated this is the first location in Rockford.

Dan Roszkowski asked how many other locations do they own and do they bring other cars here. Attorney Glasgow answered in Rolling Meadows, Glenwood, and Rockford. They have not brought cars to Rockford but they have taken cars from Rockford to Rolling Meadows when they run out of room here.

Mr. Fabiano asked if cars are towed there due to a crash as he presumes that happens. Attorney Glasgow replied they do not have police tows.

Jennifer Smith stated in the packet they talked about repossessions and asked does that require a separate license. Attorney Glasgow answered repossessions and relocations are two different things but we do not do repossessions here.

Ms. Smith states the hours of operation are in the report but, in the packet, they mention about becoming a 24-hour facility. Ms. Smith wanted to know if that is for towing, for the office or both. Attorney Glasgow stated that is for towing and the office so that people can get their cars anytime.

Mr. Fabiano asked if they charge a fee for each day the car is there. Mr. Gottschalk states that is predatory towing, the storage fee is charged after 24 hours, the fee is \$45 per day, which is regulated by the ICC and they are regularly audited.

Mr. Roszkowski asked Mr. Capovilla if this presentation changed his opinion. Mr. Capovilla stated he cannot speak for the entire team but the information provided this evening is a step in the right direction. It would have been nice to have this information upfront so the team could have analyzed when the application was submitted.

Mr. Roszkowski asked if it should be laid over. Mr. Capovilla stated the decision is with the board. They still do not have a full site plan but there are mentions of re-paving, landscaping and fencing.

Jennifer Spencer stated she has an environmental concern with oil spills and other liquid spill with Kent Creek so close in proximity and a short distance to the Rock River. Attorney Glasgow stated they have dealt with the IEPA and gone through Tier 1 cleaning and they have never had problem with them and this a valid concern. Mr. Gottschalk stated there is not a problem with leakage because we do not store accident vehicles. Ms. Spencer stated you seem to be trustworthy people but the future will tell about the condition of the property.

Attorney Glasgow stated they have grown from a two-person operation to a \$10,000,000 operation and they are aware that it is important to make the community happy because they want to continue to work in the community. Attorney Glasgow stated we are agreeable to any conditions you put on the Special Use Permit even a sunset clause of perhaps 5 years.

No objectors or interested parties were present.

The Board continued discussion about conditions for approval. They asked Staff if the sunset clause has been used in the past. Mr. Capovilla stated it is not common but has been used on special occasions.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of detailed site plan including landscaping, fencing type and location, access lane for emergency vehicles, exterior lighting, striping of staff and visitor parking for the front and striping of vehicle storage spaces in the rear.
3. Outside storage is limited to 35 vehicles in the rear.
4. Provide a plan of action on how to handle spills of any vehicular fluids from stored vehicles
5. Submittal of sign permits and plans for Staff review and approval.
6. Approval is subject to a 5-year sunset clause. Applicant must re-apply for renewal of the Special Use Permit or the Special Use is void.
7. All conditions must be met prior to establishment of use.

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR OUTDOOR STORAGE OF TOWED PASSENGER VEHICLES
UP TO FULL-SIZE WORK VANS AND TRUCKS
IN AN I-2, GENERAL INDUSTRIAL ZONING DISTRICT
LOCATED AT 622 TAY STREET

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the I-2 District in which it is located.

ZBA 060-21

Applicant
Ward 11

2308 20th Avenue

Gidion Solanki

Special Use Permit for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District

Albert Bugbee and the Applicant, Gidion Solanki, were present. Mr. Bugbee stated he is Gidion's Pastor and sometimes Gidion has difficulty expressing his thoughts in the English language so he was going to do most of the speaking this evening. Mr. Bugbee said this issue is detrimental to Mr. Solanki as this is a storage unit for his machine fixtures, raw materials, and tooling for his small business that has been located here since 2017. Mr. Bugbee stated he does not know how or why the issues came up but he finds it ironic they came up after Mr. Solanki canceled a business deal.

Mr. Bugbee explained that if Mr. Solanki is required to move the container it is a logistic thing and he cannot have his material off site because he does not have the ability get the material back to his business. Mr. Bugbee stated that from what he read it was denied because there is not any landscaping around the property but the property is surrounded by industrial uses.

Craig Sockwell asked if it is a business he is running there or does he live there. Mr. Bugbee stated that there is an efficiency space that he stays in when he works long hours but lives in Mt. Prospect.

Mr. Bugbee stated if you look to the property directly south, there are three containers located on that site and Mr. Solanki wants to know what he has to do to get one container.

Tom Fabiano stated it is not explained in the petition as to why he needs it. Mr. Bugbee stated he showed Mr. Solanki the report where it says staff needs more information as to why the storage container is needed and that why we here.

Maurice Redd asked is the container on the property. Mr. Solanki stated the container has been on the property for 3 to 4 years.

Mr. Fabiano stated that it is a violation and asked the Applicant if he knew it was a violation. Mr. Bugbee stated not until he was notified by the City but it has been on the property for 3 to 4 years and he needs the container because he builds small engines to ship overseas.

No objectors or interested parties were present.

The Board discussed a layover instead of moving forward. They requested additional information.

A **MOTION** was made by Kim Johnsen to **LAYOVER** a Special Use Permit for outdoor storage of a shipping container in an I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

ZBA 061-21

Applicant
Ward 8

1828 East Gate Parkway

Andrew & Tiffany Richards

Variation to reduce the rear yard setback from 30 feet to 17 feet and a **Variation** to allow the existing six-foot front yard setback to continue along Westgate Parkway for a 17' by 18' house addition in an R-1, Single family Residential Zoning District

The Applicants, Andrew and Tiffany Richards, were present. Mr. Richards stated they do not have a presentation but we here for a Variation to reduce the setback from 30 feet to 17 feet, which is for a small bedroom addition and bathroom on the back of the house.

Jennifer Spencer asked if they had spoken to the neighbors to the southeast and how do the neighbors feel about it. Mr. Richards stated yes they had and they said best of luck to us and they no issue with this addition.

Mr. Richards stated he noted on page 4 or 5 under findings #2 that conditions are not unique to this property but 50 percent of the neighbors have garages or out buildings setback far more than ours and would not disrupt any sight lines in the neighborhood.

Tom Fabiano asked what is the purpose of the addition. Mr. Richards stated they have a Cape Cod house with the bedrooms and bathrooms on the 2nd story and need a first floor bathroom and bedroom for accessibility.

Ms. Richards stated that they have ageing grandparents and the addition is really for them so they can move in and do not have to go upstairs to use the bathroom.

No objectors or interested parties were present.

Scott Capovilla stated for the record that Alderman Hoffman is in favor of this application and she wanted him to express that to the board.

Tom Fabiano stated he does not have a problem with it.

Kim Johnsen stated she does have a problem either and they have a hardship.

Jennifer Spencer asked Scott about the 6-foot side yard setback. Mr. Capovilla stated they have two front yards and this would allow the continuation of that front yard setback at six feet.

A **MOTION** was made by Jennifer Smith to **Approval** of a Variation to reduce the rear yard setback from 30 feet to 17 feet and **Approval** of a Variation to allow the existing six-foot front yard setback to continue along Westgate Parkway for a 17' by 18' house addition in an R-1, Single family Residential Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions.

1. Meet all Building and Fire Codes.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 17 FEET
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1828 EAST GATE PARKWAY**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO ALLOW THE EXISTING SIX-FOOT FRONT YARD SETBACK
TO CONTINUE ALONG WESTGATE PARKWAY FOR A 17' BY 18' HOUSE ADDITION
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1828 EAST GATE PARKWAY**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 062-21

Applicant
Ward 3

601 East Jefferson Street

Attorney Andrew Vella for Jose F. Serrano

Special Use Permit for a used car lot in a C-4, Urban Mixed-Use
Zoning District

Attorney Andrew Vella is representing the Applicant Jose Serrano who is also present. Attorney Vella explained his client is asking for a Special Use Permit for a used car lot. He stated there is not a car sales lot in the 3rd Ward and this will add to minority business ownership in the 3rd Ward. He also stated at one time there was auto repair on this block. Attorney Vella stated his client has been in the auto sales business for 10 years and he would like to open up his own shop selling used cars Monday through Saturday from 10:00 AM to 6:00 PM.

Attorney Vella stated his client could potentially have one employee. His client would be agreeable to any conditions the City may impose. Attorney Vella stated it was his understanding that this site was a car lot for 15 years and most recently was a car lot. Attorney Vella believes this will be good to the area and not detrimental. His client will pay taxes and he is asking you to approve this request.

No objectors or interested parties were present.

Jennifer Spencer asked if the property to the east is a separate property and not a part of this application. Attorney Vella stated that is empty property and not a part of this property. Scott Capovilla verified the property is owned by somebody else.

Jennifer Smith asked if the applicant currently own a dealership. Attorney Vella stated no but he has worked at a car dealership for 10 years on 11th Street called Don Julius.

Jennifer Spencer stated that the site plan is not accurate and asked will the cars be doubled parked because the dimensions do not add up. Ms. Spencer has concerns that you cannot get 12 cars on the property and does it still work. Attorney Vella stated it will be difficult to get that many cars on the site and he is willing to get any conditions to the number of vehicles on the property or any other issues.

Jennifer Smith asked if there any plans for improving the building. Attorney Vella stated they have not been made aware of any issues with the building but, if there are issues, they would be agreeable to repairs and will to do the landscaping prior to opening.

Kim Johnsen asked staff to explain about the 2020 Plan not allowing car lots

Scott Capovilla explained it calls for a commercial mixed use with vertical changes in land use. The hope is that this can be re-developed with commercial mixed use, more pedestrian oriented and getting away from the old auto oriented uses that were prominent in the downtown at one time.

No interested parties or objectors were present. Staff Recommendation was for denial.

A **MOTION** was made by Craig Sockwell to **DENIAL** a Special Use Permit for a used car lot in a C-4, Urban Mixed-Use Zoning District. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR A USED CAR LOT
IN A C-4, URBAN MIXED USE DISTRICT
LOCATED AT 601 EAST JEFFERSON STREET

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-4 District in which it is located.

ZBA 063-21

Applicant
Ward 5

4650, 4680, 47XX, 48XX, 4848 and 49XX South Main Street

Attorney Tony Phelps for Saratoga Group, Inc.

Zoning Map Amendment from Winnebago County RMH and CC to City R-3, Multi-family Residential and a **Special Use Permit** for a mobile home park in an R-3, Multi-family Residential Zoning District

Attorney Tony Phelps representing Saratoga Group, Inc. and Brandon Schilling, Chief Investment Officer for Saratoga Group, Inc. were present. Attorney Phelps explained the property is currently in unincorporated Winnebago County and they are requesting annexation into the City for the mobile home

park, as there have been difficulties with the private well water system. This application is for the required map amendment and special use so the park is in compliance with zoning and the annexation agreement.

Mr. Schilling handed out a packet to the Board and explained Saratoga Group, Inc. owns and operates over 80 communities across 15 states. They highly invest in the properties they purchase by the way of building new clubhouses, renovating community centers, playgrounds and common areas. Mr. Schilling stated they are a professional operator and have never sold one of our properties. He stated they are in it for the long haul and they provide affordable housing.

Mr. Schilling explained Green Meadow has 388 home sites with 155 occupied sites and 273 vacant sites. It is very well located, very well laid out, very well maintained and has a community feel. Mr. Schilling also said they have a contract for \$80,000 to install a new playground, they will redo the baseball field, and have already invested \$112,000 on lighting.

Mr. Schilling stated new manufactured homes are governed by HUD and they are built like a regular stick home. The cost for new manufactured home is approximately \$65,000 and they plan to build 40 homes next year and fill the community out in 5 years.

Attorney Phelps asked about the garage requirement and parking pads. Scott Capovilla explained this is an existing development that provides parking pads but the current Ordinance requires garages. The City will not require garages to be built on the site and the existing pads are acceptable.

Craig Sockwell asked how long has have Saratoga Group, Inc. owned the property. Mr. Schilling stated they bought the property a year ago.

Jennifer Smith asked if there are any vacant homes or is it just sites. Mr. Schilling stated they are primarily vacant sites and one home is pending demolition.

Maurice Redd asked if they are owner occupied. Mr. Schilling said yes.

No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer for **APPROVAL** of a Zoning Map Amendment from Winnebago County RMH and CC to City R-3, Multi-family Residential and **APPROVAL** of a Special Use Permit for a mobile home park in an R-3, Multi-family Residential Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a Building Permit(s) for each new mobile home for Staff review and approval.
3. Submittal of a Full Landscaping Plan that includes a Type A Buffer along the east, south and west property lines and a Type B Buffer along the north property line that includes plant species and size for Staff's review and approval.
4. The clubhouse and pool are updated and the playground equipment be installed per Exhibits D and E.
5. Submittal of a detailed site plan for staff's review and approval.
6. A one-lot subdivision plat is required to be submitted, reviewed, approved and recorded via the Subdivision Review Process.
7. The two (2) existing concrete pads located east of South Main Street and south of Aquamarine Drive shall be removed. New mobile homes cannot be installed within eighty (80) feet of the west property line.

8. The property shall be developed as per the approved one lot plat, site plan and landscaping plan approved by Staff.
9. Site to be developed and operated in accordance with the Annexation Agreement.
10. All conditions must be met prior to establishment of use.

FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM WINNEBAGO COUNTY RMH AND CC TO
CITY R-3, MULTI-FAMILY RESIDENTIAL
LOCATED AT 4650, 4680, 47XX, 48XX, 4848 AND 49XX SOUTH MAIN STREET

Approval of this Zoning Map Amendment is based upon the following findings:

- 1). The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as T-IL- Tech and Light Industry.

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A MOBILE HOME PARK
IN AN R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 4650, 4680, 47XX, 48XX, 4848 AND 49XX SOUTH MAIN

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-3 District in which it is located.

A **MOTION** was made by Maurice Redd to Adjourn the meeting. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 7:45 PM.

Respectfully submitted,
Darius Morrow, Land Use Planner
Zoning Board of Appeals